



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

JUL 29 2013

Mr. Lance R. LeFleur  
Director  
Alabama Department of Environmental Management  
P.O. Box 301463  
Montgomery, Alabama 36130-1463

Dear Mr. LeFleur:

The U. S. Environmental Protection Agency has completed its review of the revisions to Alabama Department of Environmental Management (ADEM) Administrative Code chapter 335-6-11 Water Use Classifications for Interstate and Intrastate Waters subsections for the Coosa River Basin 335-6-11-.02(6) and the Warrior River Basin 335-6-11-.02(14). ADEM submitted the revisions to the EPA by letter dated May 2, 2013, for review pursuant to section 303(c) of the Clean Water Act (CWA) and the EPA's implementing regulations at 40 CFR Part 131. The public hearing for the proposed revisions was held on September 17, 2012. The Alabama Environmental Management Commission adopted the revisions on October 19, 2012. The revisions were certified by the Alabama Attorney General on April 25, 2013, as being duly adopted pursuant to state law effective on November 27, 2012. The revisions were received by the EPA for review on May 13, 2013.

In accordance with section 303(c) of the CWA and 40 CFR Part 131, I am hereby approving the use classification revisions identified at 335-6-11-.02(6) and 335-6-11-.02(14) of ADEM's Administrative Code chapter 335-6-11. The details of the classifications revisions are discussed in the enclosed documentation. We would like to commend you and your staff for your continued efforts in environmental protection for the State of Alabama.

If you have questions regarding the EPA's approval, please contact me at (404) 562-9345 or have a member of your staff contact Ms. Annie M. Godfrey, Water Quality Standards Section Chief at (404) 562-9967.

Sincerely,

A handwritten signature in black ink that reads "James D. Giattina".

James D. Giattina  
Director  
Water Protection Division

Enclosure

cc: Lynn Sisk, ADEM

**Decision Document of the United States Environmental Protection Agency Under § 303(c)  
of the Clean Water Act: Review of 335-6-11-.02(6) and (14)**

On May 2, 2013, Alabama Department of Environmental Management (ADEM) submitted new and revised water quality standards (WQS) for review by the U.S. Environmental Protection Agency pursuant to section 303(c) of the Clean Water Act (CWA). The EPA is acting on the revisions in ADEM's Administrative Code chapter 335-6-11 Water Use Classifications for Interstate and Intrastate Waters subsections 335-6-11-.02(6) Use Classifications for the Coosa River Basin and 335-6-11-.02(14) Use Classifications for the Warrior River Basin. The revisions include supplemental use classifications for Swimming and Other Whole Body Water-Contact Sports designations for the Coosa and Warrior River Basins and a Public Water Supply use designation for the Warrior River Basin.

Section 303 of the CWA, 33 U.S.C. § 1313, requires states to establish WQS and to submit any revised or new standards to the EPA for approval or disapproval. ADEM submitted the revisions to the EPA by letter dated May 2, 2013, from Lance R. LeFleur, Director of ADEM to Ms. Gwendolyn Keyes Fleming, Regional Administrator of the EPA's Region 4 Office. The public hearing for the proposed revisions was held on September 17, 2012. The Alabama Environmental Management Commission (AEMC) adopted the revisions on October 19, 2012. The revisions were certified by the Alabama Attorney General on April 25, 2013, as being duly adopted pursuant to state law effective on November 27, 2012. The revisions were received in the EPA's Region 4 Office on May 13, 2013, for the EPA review pursuant to section 303(c) of the CWA and the EPA's implementing regulations at 40 C.F.R. Part 131.

**EPA's Decision**

The following is the EPA's analysis of the revisions to the classifications and water quality standards contained in the ADEM Rules in Chapter 335-6-11 Water Use Classifications for Interstate and Intrastate Waters for the subject waters:

- 335-6-11-.02 Use Classifications for The Coosa River Basin 335-6-11-.02(6)
- 335-6-11-.02 Use Classifications for The Warrior River Basin 335-6-11-.02(14)

Subsection 335-6-11-.02(6) for the Coosa River Basin was revised to include six supplemental use classifications for Swimming and Other Whole Body Water-Contact Sports use. Subsection 335-6-11-.02(14) for the Warrior River Basin was revised to include fifteen supplemental use classifications for Swimming and Other Whole Body Water-Contact Sports use and one supplemental use classification for Public Water Supply use. These waterbody segments are identified in Attachment 1. The supplemental use classifications will be applicable in addition to the primary existing use classification of Fish and Wildlife. The bacteriological criteria for Swimming and Other Whole Body Water-Contact Sports are protective of the primary contact uses and are more stringent than the criteria for the Fish and Wildlife use classification. The Swimming and Other Whole Body Water-Contact Sports classification is intended to protect the bacterial quality of waters designated for this recreational class.

The supplemental use classification for Public Water Supply has additional standards that include the following: (1) restriction of toxic or other deleterious substances that may adversely affect a water supply for drinking or food-processing purposes, and (2) restriction of activities that may adversely affect the aesthetic value of waters for uses associated with the water supply classification. The supplemental Public Water Supply use classification is intended to protect public health associated with human exposure and/or human consumption afforded by this water supply use designation.

### **Endangered Species Act**

Because the revisions to include the supplemental recreational and water supply uses pertain to human health protection and retain all aquatic life and wildlife uses and continue to provide for water quality that meets or exceeds the national CWA goal at §101(a)(2), the EPA has concluded that the revisions are not subject to Endangered Species Act consultation.

### **Summary**

The additional supplemental classifications are consistent with CWA objectives and goals because the use classifications designate and protect water quality which meets or exceeds the "fishable/swimmable" goals of the CWA. Based on the above documentation, the new and revised water quality supplemental use classifications and associated standards are consistent with the CWA section 303(c) and 40 CFR Part 131 and are approved by the EPA pursuant to section 303(c) of the CWA.

### Attachment 1: Use Classification Revisions Summary Table

<b>Waterbody Name</b>	<b>Description of Waterbody Segment</b>	<b>Proposed Supplemental Use Classification</b>	<b>Current Use Classification</b>
COOSA RIVER 335-6-11-.02(6)	from Dead River to Jordan Dam	Swimming and Other Whole Body Water-Contact Sports	Fish and Wildlife
COOSA RIVER (Neely Henry) 335-6-11-.02(6)	from City of Gadsden's water supply intake to Weiss Dam Powerhouse	Swimming and Other Whole Body Water-Contact Sports	Fish and Wildlife
COOSA RIVER (Neely Henry) 335-6-11-.02(6)	from Weiss Dam Powerhouse to Sugar Creek	Swimming and Other Whole Body Water-Contact Sports	Fish and Wildlife
TERRAPIN CREEK 335-6-11-.02(6)	from Coosa River to Cherokee County Road 8	Swimming and Other Whole Body Water-Contact Sports	Fish and Wildlife
TERRAPIN CREEK 335-6-11-.02(6)	from U.S. Highway 278 to Calhoun County Road 70, east of Vigo	Swimming and Other Whole Body Water-Contact Sports	Fish and Wildlife
BIG WILLS CREEK 335-6-11-.02(6)	from Coosa River (Lake Henry – Lake Gadsden) to Little Sand Valley Creek	Swimming and Other Whole Body Water-Contact Sports	Fish and Wildlife
WARRIOR RIVER 335-6-11-.02(14)	from Warrior Lock and Dam to Oliver Lock and Dam	Swimming and Other Whole Body Water-Contact Sports	Fish and Wildlife
WARRIOR RIVER 335-6-11-.02(14)	from Oliver Lock and Dam to Hurricane Creek	Swimming and Other Whole Body Water-Contact Sports	Fish and Wildlife
LOCUST FORK 335-6-11-.02(14)	from Jefferson County Highway 61 (Maxine) to U.S. Highway 31	Swimming and Other Whole Body Water-Contact Sports	Fish and Wildlife
LOCUST FORK 335-6-11-.02(14)	from U.S. Highway 31 to County road between Hayden and County Line	Swimming and Other Whole Body Water-Contact Sports	Fish and Wildlife
LOCUST FORK 335-6-11-.02(14)	from Slab Creek to Its source	Swimming and Other Whole Body Water-Contact Sports	Fish and Wildlife
SIPSEY FORK AND TRIBUTARIES 335-6-11-.02(14)	from Sandy Creek to Its source	Swimming and Other Whole Body Water-Contact Sports	Fish and Wildlife
CLEAR CREEK (LAKE LEWIS SMITH) 335-6-11-.02(14)	from Sipsey Fork (Lake Lewis Smith) to the reservoir limits	Public Water Supply	Fish and Wildlife

NORTH RIVER 335-6-11-.02(14)	from Ellis Creek to Its source	Swimming and Other Whole Body Water- Contact Sports	Fish and Wildlife
VALLEY CREEK 335-6-11-.02(14)	from Mud Creek to Rock Creek	Swimming and Other Whole Body Water- Contact Sports	Fish and Wildlife
VILLAGE CREEK 335-6-11-.02(14)	from Locust Fork to Bayview Lake Dam	Swimming and Other Whole Body Water- Contact Sports	Fish and Wildlife
FIVEMILE CREEK 335-6-11-.02(14)	from Locust Fork to Old Jasper Highway	Swimming and Other Whole Body Water- Contact Sports	Fish and Wildlife
FIVEMILE CREEK 335-6-11-.02(14)	from Alabama Highway 79 to Its source	Swimming and Other Whole Body Water- Contact Sports	Fish and Wildlife
LOST CREEK 335-6-11-.02(14)	from Mulberry Fork to Two miles upstream from Wolf Creek	Swimming and Other Whole Body Water- Contact Sports	Fish and Wildlife
LOST CREEK 335-6-11-.02(14)	from Cane Creek to Indian Creek	Swimming and Other Whole Body Water- Contact Sports	Fish and Wildlife
LOST CREEK 335-6-11-.02(14)	from Cranford Creek to Its source	Swimming and Other Whole Body Water- Contact Sports	Fish and Wildlife
WOLF CREEK 335-6-11-.02(14)	from Lost Creek to Its source	Swimming and Other Whole Body Water- Contact Sports	Fish and Wildlife